

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5 - 26 - 2023

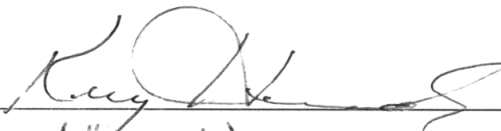
Date

Honorable Dan Patrick
President of the Senate


Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

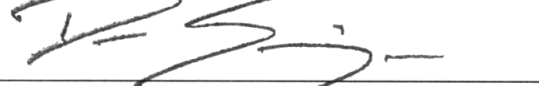
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill 4227 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



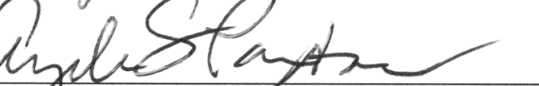
(Hancock)



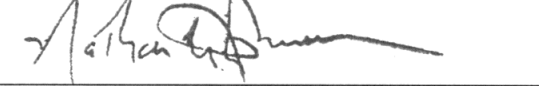
(Bettencourt)



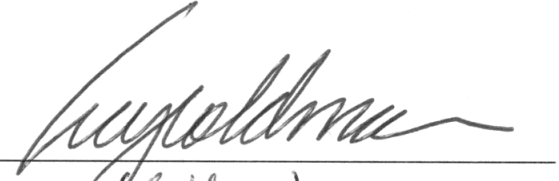
(~~Johnson~~) Springer



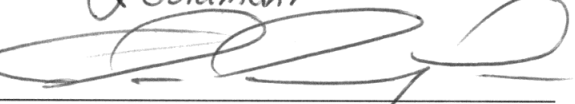
(Paxton)



On the part of the Senate
(~~Springer~~)(Johnson)




(Goldman)




(Cunningham)



(Hernandez)



(Thimesch)



On the part of the House
(Troclair)

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 4227

A BILL TO BE ENTITLED

AN ACT

relating to provisions governing the municipal civil service of
fire fighters or police officers in certain municipalities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 143.003, Local Government Code, is
amended by amending Subdivision (1) and adding Subdivision (1-a) to
read as follows:

(1) "Civilian oversight board" means a board or office
established by a municipality to practice oversight, monitoring, or
investigations of fire fighters or police officers, or departments,
by members of the public who are not fire fighters or police
officers.

(1-a) "Commission" means the Fire Fighters' and Police
Officers' Civil Service Commission.

SECTION 2. Section 143.004(e), Local Government Code, is
amended to read as follows:

(e) If the governing body of a municipality with a
population of less than 900,000 that has operated under this
chapter for at least one year receives a petition requesting an
election to repeal this chapter that is signed by at least 10
percent of the qualified voters of the municipality, the governing
body shall order an election submitting to the voters the question
on whether this chapter should be repealed. If a majority of the
qualified voters vote to repeal this chapter, this chapter is void

1 in that municipality.

2 SECTION 3. Subchapter A, Chapter 143, Local Government
3 Code, is amended by adding Section 143.017 to read as follows:

4 Sec. 143.017. INVESTIGATION BY CIVILIAN OVERSIGHT BOARD
5 PROHIBITED. An investigation under this chapter may not be
6 performed by a civilian oversight board.

7 SECTION 4. Sections 143.089(b) and (f), Local Government
8 Code, are amended to read as follows:

9 (b) A letter, memorandum, or document relating to alleged
10 misconduct by the fire fighter or police officer:

11 (1) may not be placed in the person's personnel file if
12 the employing department determines that there is insufficient
13 evidence to sustain the charge of misconduct; and

14 (2) except as provided by Section 1701.451,
15 Occupations Code, may not be released to any agency or person
16 requesting the letter, memorandum, or document if there is a
17 pending investigation into the alleged misconduct.

18 (f) The director or the director's designee may not release
19 any information contained in a fire fighter's or police officer's
20 personnel file without first obtaining the person's written
21 permission, unless the release of the information is required by
22 law or for a law enforcement purpose.

23 SECTION 5. Subchapter F, Chapter 143, Local Government
24 Code, is amended by adding Sections 143.091 and 143.092 to read as
25 follows:

26 Sec. 143.091. MUTUAL AGREEMENT SUPERSEDES CERTAIN
27 MUNICIPAL LAW. For a municipality with a collective bargaining

1 agreement or a meet-and-confer agreement with the municipality's
2 fire department or police department, the agreement supersedes an
3 ordinance, executive order, or rule adopted by the municipality.

4 Sec. 143.092. ELIGIBILITY FOR CIVILIAN OVERSIGHT BOARD. A
5 person is not eligible to serve on a civilian oversight board if the
6 person has been:

7 (1) convicted of or placed on deferred adjudication
8 community supervision for a felony offense; or

9 (2) convicted of a crime of moral turpitude.

10 SECTION 6. Section 143.306, Local Government Code, is
11 amended by adding Subsection (d) to read as follows:

12 (d) A municipal charter, ordinance, executive order, or
13 rule adopted by a municipality that restricts or conditions the
14 authority of a public employer to enter into a written agreement
15 under this subchapter is void and unenforceable.

16 SECTION 7. Section 143.091, Local Government Code, as added
17 by this Act, applies to a collective bargaining agreement or a
18 meet-and-confer agreement that was in effect on or after January 1,
19 2023.

20 SECTION 8. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2023.

House Bill 4227
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

No equivalent provision.

Same as House version.

SECTION 1. Section 143.003, Local Government Code, is amended by amending Subdivision (1) and adding Subdivision (1-a) to read as follows:

(1) "Civilian oversight board" means a board or office established by a municipality to practice oversight, monitoring, or investigations of fire fighters or police officers, or departments, by members of the public who are not fire fighters or police officers.

(1-a) "Commission" means the Fire Fighters' and Police Officers' Civil Service Commission.

SECTION 1. Section 143.004(e), Local Government Code, is amended to read as follows:

(e) If the governing body of a municipality with a population of less than 900,000 that has operated under this chapter for at least one year receives a petition requesting an election to repeal this chapter that is signed by at least 10 percent of the qualified voters of the municipality, the governing body shall order an election submitting to the voters the question on whether this chapter should be repealed. If a majority of the qualified voters vote to repeal this chapter, this chapter is void in that municipality.

No equivalent provision.

SECTION 1. Section 143.004(e), Local Government Code, is amended to read as follows:

(e) If the governing body of a municipality with a population of less than 950,000 that has operated under this chapter for at least one year receives a petition requesting an election to repeal this chapter that is signed by at least 10 percent of the qualified voters of the municipality, the governing body shall order an election submitting to the voters the question on whether this chapter should be repealed. If a majority of the qualified voters vote to repeal this chapter, this chapter is void in that municipality. [FA1]

Same as House version.

SECTION 2. Same as House version.

SECTION 3. Subchapter A, Chapter 143, Local Government Code, is amended by adding Section 143.017 to read as follows:

Sec. 143.017. INVESTIGATION BY CIVILIAN OVERSIGHT BOARD PROHIBITED. An investigation

House Bill 4227
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

under this chapter may not be performed by a civilian oversight board.

No equivalent provision.

Same as House version.

SECTION 4. Sections 143.089(b) and (f), Local Government Code, are amended to read as follows:

(b) A letter, memorandum, or document relating to alleged misconduct by the fire fighter or police officer:

(1) may not be placed in the person's personnel file if the employing department determines that there is insufficient evidence to sustain the charge of misconduct; and

(2) except as provided by Section 1701.451, Occupations Code, may not be released to any agency or person requesting the letter, memorandum, or document if there is a pending investigation into the alleged misconduct.

(f) The director or the director's designee may not release any information contained in a fire fighter's or police officer's personnel file without first obtaining the person's written permission, unless the release of the information is required by law or for a law enforcement purpose.

No equivalent provision.

Same as House version.

SECTION 5. Subchapter F, Chapter 143, Local Government Code, is amended by adding Sections 143.091 and 143.092 to read as follows:

Sec. 143.091. MUTUAL AGREEMENT SUPERSEDES CERTAIN MUNICIPAL LAW. For a municipality with a collective bargaining agreement or a meet-and-confer agreement with the municipality's fire department or police

House Bill 4227
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (IE)

CONFERENCE

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

department, the agreement supersedes an ordinance, executive order, or rule adopted by the municipality.

Sec. 143.092. ELIGIBILITY FOR CIVILIAN OVERSIGHT BOARD. A person is not eligible to serve on a civilian oversight board if the person has been:
(1) convicted of or placed on deferred adjudication community supervision for a felony offense; or
(2) convicted of a crime of moral turpitude.

No equivalent provision.

Same as House version.

SECTION 6. Section 143.306, Local Government Code, is amended by adding Subsection (d) to read as follows:

(d) A municipal charter, ordinance, executive order, or rule adopted by a municipality that restricts or conditions the authority of a public employer to enter into a written agreement under this subchapter is void and unenforceable.

No equivalent provision.

Same as House version.

SECTION 7. Section 143.091, Local Government Code, as added by this Act, applies to a collective bargaining agreement or a meet-and-confer agreement that was in effect on or after January 1, 2023.

SECTION 2. Effective date.

SECTION 2. Same as House version.

SECTION 8. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION
Revision 1

May 26, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB4227 by Goldman (Relating to provisions governing the municipal civil service of fire fighters or police officers in certain municipalities.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, SD, CMA, AF, BC, DPE

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 26, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB4227** by Goldman (Relating to the repeal of a municipal civil service system for firefighters and police officers in certain municipalities.), **Conference Committee Report**

No fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JMc, SD, CMA, AF, BC, DPE

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not a sustainable point of order.

I certify that a copy of the conference committee report on HB 227 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before paper copies of the report were submitted to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.



(Signature)

5-26-23
(Date)